

AN ACT

ENTITLED, An Act to provide for civil enforcement of statutes against assisted suicide.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Any licensed health care professional who administers, prescribes, or dispenses medications or procedures to relieve another person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, does not violate § 22-16-37 unless the medications or procedures are knowingly administered, prescribed, or dispensed with a purpose to cause death. Any licensed health care professional who withholds or withdraws a life-sustaining procedure, in compliance with chapter 34-12D or in accordance with reasonable medical practice, does not violate § 22-16-37.

Section 2. A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the course of violating § 22-16-37 by any person who is:

- (1) The spouse, parent, child, sibling, legally appointed guardian, or conservator of the person who would commit suicide;
- (2) Entitled to inherit under the laws of intestate succession from the person who would commit suicide or the beneficiary under a life insurance policy of the person who would commit suicide;
- (3) A health care provider of the person who would commit suicide;
- (4) Any public official with appropriate jurisdiction to prosecute or enforce the laws of this state.

Section 3. Any person given standing by subdivision (1) or (2) of section 2 of this Act or the person who would have committed suicide, in the case of an attempt, may maintain a cause of action against any person who violates or attempts to violate § 22-16-37 for compensatory damages and punitive damages. An action under this section may be brought whether or not the

plaintiff had prior knowledge of the violation or attempt.

Section 4. Reasonable attorney's fees shall be awarded to the prevailing plaintiff in any civil action brought pursuant to section 2 or 3 of this Act.

Section 5. Any court shall notify the appropriate licensing board in any case in which a licensed health care professional:

- (1) Is convicted of a violation of § 22-16-37;
- (2) Has been cited for contempt of court for violating an injunction issued under section 2 of this Act; or
- (3) Has been subject to an assessment of damages under section 3 of this Act.

Section 6. Any professional licensing board authorized pursuant to Title 36 may, subject to the procedures set out in Title 36, suspend or revoke the license of any licensed health care professional who:

- (1) Is convicted of a violation of § 22-16-37;
- (2) Has been cited for contempt of court for violating an injunction issued under section 2 of this Act; or
- (3) Has been subject to an assessment of damages under section 3 of this Act.

Section 7. For the purposes of this Act, the term, licensed health care professional, means any physician, surgeon, podiatrist, osteopath, physician assistant, nurse, dentist, or pharmacist licensed pursuant to Title 36.

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I certify that the attached Act
originated in the

SENATE as Bill No. 196

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 196

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State